



PLANNING REPORT

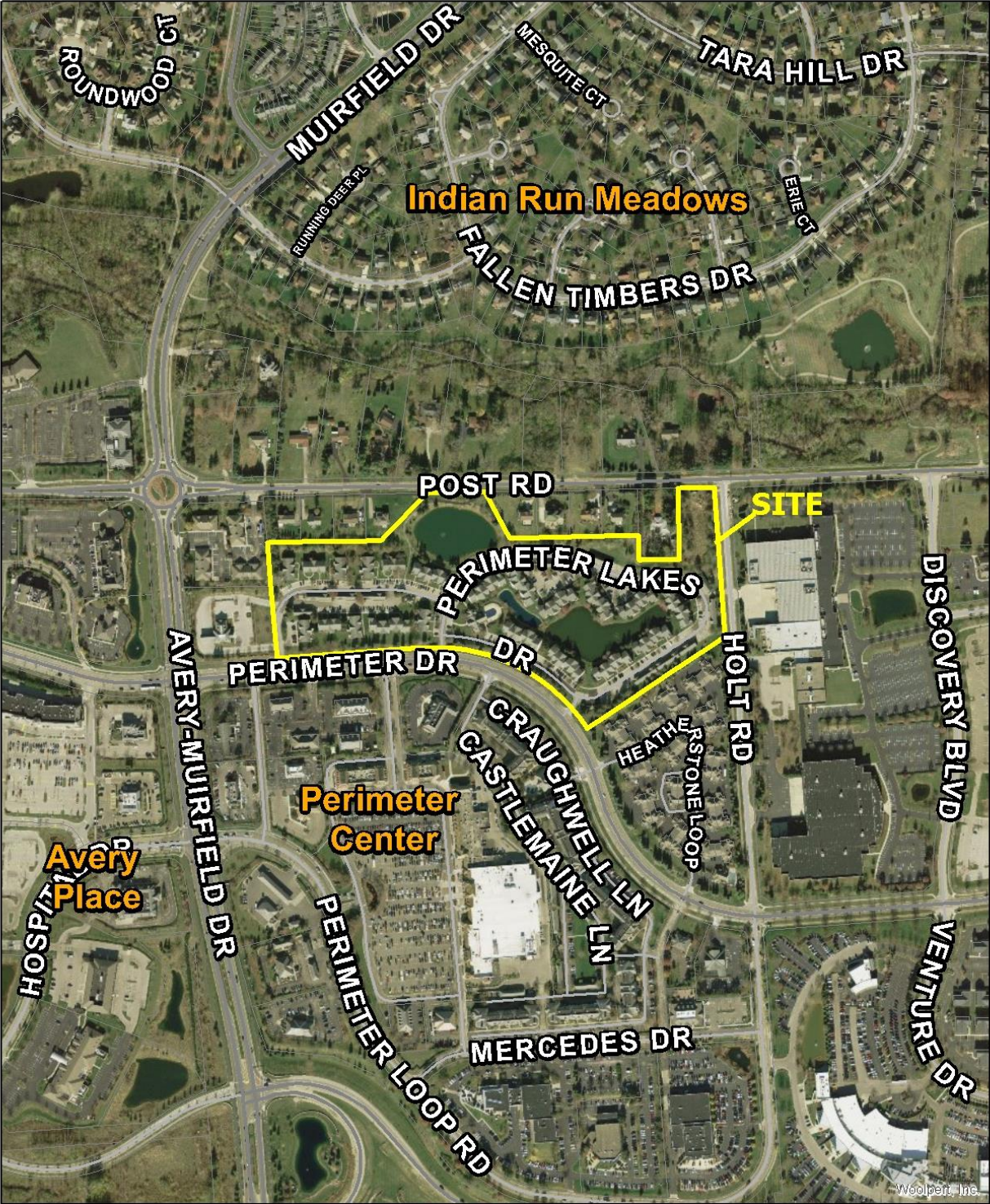
Board of Zoning Appeals

Thursday, January 26, 2017

Perimeter Lakes Apartment – Non-Use (Area) Variance
6146 Perimeter Drive

Case Summary

Agenda Item	1
Case Number	17-001V
Proposal	To legitimize the number of required parking spaces from 473 to 441.
Request	Review and approval of Variance under the provisions of Zoning Code Section 153.231.
Site Location	North side of Perimeter Drive, approximately 350 feet east of the intersection with Avery-Muirfield Drive.
Applicant	Jamie Kepple, Property Manager, Perimeter Lakes Apartment Ray Poole, Project Manager, Fairfield Residential
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us Cameron Roberts, Planning Assistant (614) 410-4663 croberts@dublin.oh.us
Planning Recommendation	Approval with One Condition. Based on Planning's analysis, the request meets the review criteria for a non-use (area) variance and approval is recommended with one condition. 1) If parking would become insufficient in the future, the property owner would work with the City of Dublin to provide additional parking where possible.



Facts

Site Area

±19.88 acres

Zoning

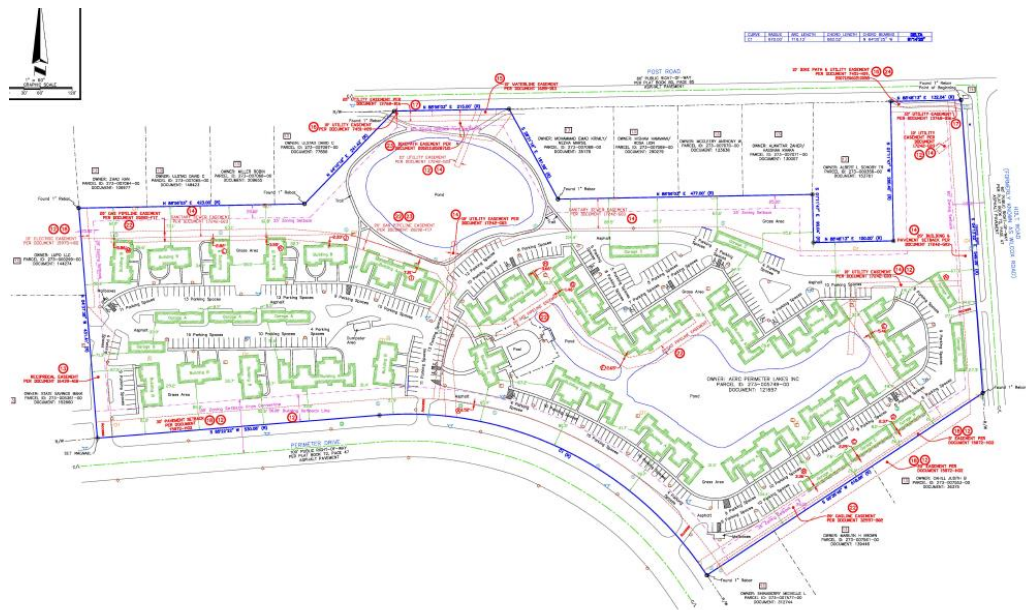
R-12: Urban Residential District

Surrounding Zoning And Uses

North: R-2: Limited Suburban Residential District, R-1: Restricted Suburban Residential District, and a single parcel zoned TF: Technology Flex District
East: PUD: Planned Unit Development District (Perimeter Center, Subareas B1 and C – WD Partners)
South: PCD: Planned Unit Development District (Perimeter Center), PLR: Planned Low Density Residential District (Craughwell Village), and PLR: Planned Low Density Residential District (Village at Heatherstone)
West: PCD: Planned Unit Develop District (Perimeter Center and 6750 Avery-Muirfield Drive)

Site Features

- Irregularly shaped site with a retention pond along the northern border and open space containing a utility easement in the northeastern corner.
- 22 existing buildings and 11 existing garage structures and a total of 189 units.
- Existing 441-parking spaces including surface spaces and garage spaces.
- Three access points from Perimeter Drive (existing).
- The site if fully developed and has constraints for additional parking including setback requirements, a retention pond, and utility easement.
- Approximately 1,250 feet of frontage on Perimeter Drive.



Background

The site is a developed site built in 1992 with 441 parking spaces. Since its development, the site has contained this many parking spaces, and likewise the requirement for parking spaces has remained the same. Incompliance of this zoning requirement was discovered as a result of a recent financing issue requiring the property owner to provide a zoning verification letter.

Details	Non-Use (Area) Variance
Proposal	This is a proposal to legitimize the number of required parking spaces from 473 to 441.
Parking	The Code requires 2.5 parking spaces per dwelling unit for the existing Residential use. Based on this regulation, 473 spaces are required for 189 dwelling units. The existing site currently has 441 parking spaces, 32 less than what is required by code. The applicant has stated that the current community population is comprised of 243 residents, with 40 being minors and 61 under the age of 30. Based on these demographics, the existing parking is sufficient for the needs of the residents.

Analysis	Non-Use (Area) Variance
<i>Process</i>	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).

ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET

1. <i>Special Conditions.</i>	Criterion met: Irregularly shaped lot with existing conditions that include surface parking where possible. Further expansion of the parking area is restricted based on the parking area meeting applicable setback requirements and existing utility easements throughout the site.
2. <i>Applicant Action/Inaction.</i>	Criterion met: The applicant recently purchased the site with the existing conditions. Therefore, the applicants did not actively or inactively contribute to the conditions of the site.
3. <i>No Substantial Adverse Effect</i>	Criterion met: Sufficient parking and no record of zoning complaints.

AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET

1. <i>Special Privileges.</i>	Criterion met: The irregular shaped lot with existing conditions of setback requirements and utility easements restricting the expansion of parking provide a unique situation to this specific property.
2. <i>Recurrent in Nature.</i>	Criterion met: Parking variances are highly unusual and are not recurrent in nature.
3. <i>Delivery of Governmental Services.</i>	Criterion met: With the existing parking, there is adequate circulation for all governmental services including mail delivery and emergency response. The proposed request will not impact the delivery of governmental services.
4. <i>Other Method Available.</i>	Criterion met: Due to the irregular shape of the site, setback requirements, and utility easements throughout the site, expansion of the parking area or an alternative method is restricted.

Recommendation	Non-Use (Area) Variance
Approval	<p>Planning recommends approval of the non-use (area) variance with one condition:</p> <ol style="list-style-type: none">1) If parking would become insufficient in the future, the property owner would work with the City of Dublin to provide additional parking where possible.

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That all of the following three findings are made:

(1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.

(2) That the variance is not necessitated because of any action or inaction of the applicant.

(3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.

(b) That at least two of the following four findings are made:

(1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.

(2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

(3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

(4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.